

1 AN ACT concerning rights and remedies.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Wrongful Death Act is amended by changing
5 Section 2.1 as follows:

6 (740 ILCS 180/2.1) (from Ch. 70, par. 2.1)

7 Sec. 2.1. In the event that the only asset of the
8 deceased estate is a cause of action arising under this Act,
9 and no petition for letters of office for his or her estate
10 has been filed, the court, upon motion of any person who
11 would be entitled to a recovery under this Act, and after
12 such notice to the party's heirs or legatees as the court
13 directs, and without opening of an estate, may appoint a
14 special administrator for the deceased party for the purpose
15 of prosecuting or defending the action. If there is more than
16 one special administrator appointed and one of the
17 administrators is a corporation qualified to act as a
18 representative of the estate of a decedent and if the
19 compensation of the attorney or attorneys representing the
20 special administrators is solely determined under a
21 contingent fee arrangement, then upon petition and approval
22 by the court, the special administrator which is a
23 corporation shall not participate in or have any duty to
24 review the prosecution of the action, to participate in or
25 review the appropriateness of any settlement of the action,
26 or to participate in or review any determination of the
27 appropriateness of any fees awarded to the attorney or
28 attorneys employed in the prosecution of the action.

29 If a judgment is entered or the action is settled in
30 favor of the special administrator, he or she shall
31 distribute the proceeds as provided by law, except that if

1 proceeds in excess of \$5,000 are distributable to a minor or
2 person under legal disability, the court shall allow
3 disbursements and fees to the special administrator and his
4 or her attorney and the balance shall be administered and
5 distributed under the supervision of the probate division of
6 the court if the circuit court has a probate division.

7 (Source: P.A. 87-435; 87-1260.)

8 Section 10. The Probate Act of 1975 is amended by adding
9 Section 19-14 as follows:

10 (755 ILCS 5/19-14 new)

11 Sec. 19-14. Administrator or executor; legal proceeding;
12 participation. If there is more than one administrator or
13 executor of a decedent's estate and one of the administrators
14 or executors is a corporation qualified to act as a
15 representative of the estate of a decedent and if the
16 administrators or executors of the decedent's estate appear
17 for and represent the estate in a legal proceeding in which
18 the compensation of the attorney or attorneys representing
19 the administrators or executors is solely determined under a
20 contingent fee arrangement, then upon petition and approval
21 by the court, the administrator or executor of the decedent's
22 estate which is a corporation shall not participate in or
23 have any duty to review the prosecution of the action, to
24 participate in or review the appropriateness of any
25 settlement of the action, or to participate in or review any
26 determination of the appropriateness of any fees awarded to
27 the attorney or attorneys employed in the prosecution of the
28 action.

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.